# Jeopardy Assessment

for the Proposed Incidental Taking Authorization
of the Seaside Crowfoot **(***Ranunculus cymbalaria)*
and Blanding's Turtle (*Emydoidea blandingii*)
as a result of the
I-94 North-South Freeway reconstruction
Kenosha and Racine Counties, Wisconsin

**Background**

Seaside crowfoot *(Ranunculus cymbalaria)* is listed as a state threatened plant in Wisconsin. This species is often found in brackish or alkaline places in wet meadows, along sandy or muddy stream banks and marshes, in seepage areas, within wet ditches, and along moist boggy shorelines of lakes or harbors. It is a low clumped perennial that prefers saturated but not inundated hydrologic conditions. The Seaside crowfoot flowers form June through August and spreads by leafy stolons which can form dense mats. Historically it was found in counties along Lake Michigan from Brown to Kenosha. It has been found in recent years in Marinette County and in Douglas County near Lake Superior. In Southeast Wisconsin it historically was reported from Milwaukee, Racine, Kenosha, and Walworth counties, but is currently only known from Kenosha and Racine counties.

Blanding's turtles *(Emydoidea blandingii)* are listed as a threatened species in Wisconsin. They were listed for several reasons including a very long maturation period (17-20 years), increased road mortality of adults (especially females), little evidence of successful recruitment, significant wetland habitat loss and habitat fragmentation. Blanding's turtles live throughout the state with the exception of the extreme north-central counties. They live primarily in marshes and shallow, vegetated bays of lakes, but can be found in almost any aquatic habitat including ponds, slow-moving rivers, trout streams and some northern bogs. They are semi-aquatic turtles and are known to move about regularly during the summer between various aquatic habitats and occasionally spend periods of time on land away from water. They are generally active from March to early November and breed in early spring and fall. Nesting usually begins in late May and runs through June. Females prefer to nest in well-drained sun-lit sandy soils in both natural and disturbed areas and are known to travel up to 1.5 miles from water to find suitable upland nesting sites. They typically return to the same nesting area each year.

**Jeopardy Assessment**

The I94 N-S Freeway reconstruction includes 34 miles of mainline freeway and associated interchanges extending from Mitchell Airport to the Illinois state line. In Kenosha and Racine counties the project includes additional lanes, new interchanges, and improvements to frontage roads. Kenosha County includes approximately 12 miles of the I94 project area including locations that will impact state threatened Seaside crowfoot and Blandings turtles. Racine County also includes approximately 12 miles of the I94 corridor however only one location is noted for potential impacts to Blanding's turtles.

Surveys for rare plants were conducted along the corridor in 2006 and six colonies of Seaside crowfoot were found around the CTH C interchange in Kenosha County. An additional colony was discovered in the same area during a site visit in spring 2008. Five of the seven colonies occurred within the project impact area for the CTH C interchange reconstruction. Although design measures were evaluated to avoid impacts to this species to the maximum extent practicable, it was not feasible to avoid all of the colonies due to their location adjacent to the existing roadways. To minimize impacts to the Seaside crowfoot, a relocation strategy was developed to transplant plants occurring within the project impact area to adjacent areas of suitable habitat. A habitat assessment was completed in spring 2007 to identify areas of suitable hydrology and soils, a comparable plant community, and protected ownership. A mitigation

plan was prepared in the fall of 2007 to address transplant methods and follow-up monitoring. Seaside crowfoot colonies with high numbers of invasives or aggressive species were not relocated to prevent movement of undesirable species to the transplant site. The transplant site will be monitored and evaluated for short and long-term survival of Seaside crowfoot. Site maintenance will be based on results of monitoring and will include measures to reduce invasives and maintain site suitability deemed necessary based on site assessments. Plants occurring in the project impact areas with high numbers of invasive or aggressive species or in low enough densities to not warrant translocation will not be relocated.

A habitat assessment for Blanding's turtles and Eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*) was conducted along the I94 corridor. Habitat for the massasauga was very limited, and as a result it is unlikely that this species would be found in the project area, therefore no incidental take authorization is necessary for this species, and no special provisions are required to avoid this species. However, Blandings turtles we found along the project corridor in several wetland types including natural shallow marshes, riparian wetlands along stream corridors, and shrub-carr habitats that may serve as seasonal foraging areas, movement corridors, nesting sites and overwintering habitats. Habitat suitable for the state-threatened Blanding's turtle was found in the project area in Kenosha County in wetlands associated with the DesPlaines River and other wetlands south of the DesPlaines River. One additional area of suitable habitat for Blanding's turtles was found in Racine County along the Root River corridor. Impacts to wetlands were avoided or minimized to the maximum extent practicable through project design, however, there is still potential for Blanding's turtles to be in or get into the project disturbance area. In order to avoid or minimize the incidental taking of this species, exclusionary fencing will be installed in all areas noted as suitable habitat for Blanding's turtles in the Fencing Assessment available upon request. Proper installation and maintenance of the exclusionary fencing must be implemented to reduce the likelihood of mortality to this turtle species.

**Conditions of the Authorization**

**Seaside Crowfoot**

Relocation of plants - Plants/colonies of Seaside crowfoot were transplanted to a new site out of the project impact area. Plants that occurred in areas containing no or minimal invasives species and were in sufficient numbers to warrant translocation were relocated. These populations will be monitored for short and long-term results. This authorization covers plants that do not survive relocation efforts and those plants that occur in the project impact area.

**Blanding's Turtle**

Turtle Fencing- All wetlands that will be impacted by the project that have been identified as potential Blanding's habitat must be fenced with properly trenched-in silt fencing installed to the meet the 'fencing design and construction requirements' of the DNR to prevent turtles from entering and reentering all impacted wetland areas. The fencing must be maintained in proper condition per Department guidelines from mid-March of 2009 until project completion.

**Conclusion**

If the above conditions are met, the Department has determined that the project as proposed will not jeopardize the continued existence or recovery of the state population of the Seaside Crowfoot or Blanding's turtles or the whole plant-animal community of which they are a part.